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October 6, 2017

BY ECF & FAX

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: David Fernandez and Joey Fernandez v. City of New York, et al.
17 CV 0789 (PGG) (BCM)

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent the defendants in the above-referenced matter. Defendants submit this letter in response to Plaintiffs' October 5, 2017 letter motion seeking sanctions. Defendants take issue with Plaintiffs' letter because they did not violate the rules and regulations pertaining to the mediation process. Defendants simply informed the Court of the Parties' settlement posture, pursuant to the Court's February 3, 2017 Order. Defendants did not disclose any details concerning the settlement negotiations that occurred during the mediation, but rather informed the Court that demands were made, and an offer was communicated. Notably, the demands and the offer were *not* communicated during the mediation, but were communicated a significant period of time *prior* to the August 8, 2017 mediation. Defendants submit that Plaintiffs' letter is frivolous and should be withdrawn.

Thank you for your consideration herein.

Respectfully submitted,

/s/

AMATULLAH K. BOOTH
Senior Counsel
Special Federal Litigation Div.

cc: Jeffrey A. Rothman, Esq. (*via ECF*)
Attorney for plaintiffs

